

*Please Return To Cashier
Note: Not Bearing Account*

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BROOKS BANKER,

Plaintiff,

Case No. 06 CV 4998 (BSJ)

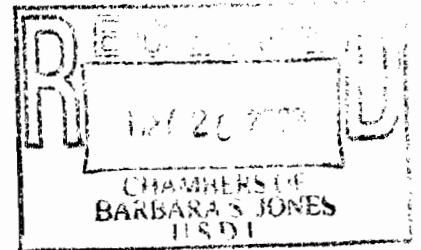
ORDER

-against-

AMY AL, 51 WEST 81ST STREET CORP., RUDD
REALTY MANAGEMENT CORP., ESTHER
ZELMANOVITZ, STANLEY TISCHLER and
LOIS EBIN,

Defendants.
-----X

Barbara S. Jones
United States District Judge

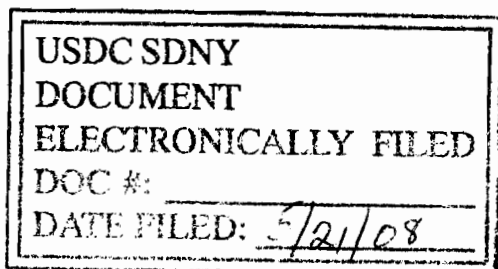


This matter was heard on motion of Defendant Esther Zelmanovitz for leave to deposit the sum of \$31, 947.00 in court in this action. It is

ORDERED that the motion is granted and that Defendant may deposit the sum of \$31,947.00 into the Registry of the Court to abide the determination of this action.

ML
The Clerk is directed to deposit the sum in an interest-bearing account and to deduct from the income on the investment a fee equal to ten per cent (10%) of the income earned, but not exceeding the fee authorized by the Judicial Conference of the United States and set by the director of the Administrative Office.

SO ORDERED:



Barbara S. Jones
Barbara S. Jones
United States District Judge

May 20, 2008

A large, stylized handwritten signature, likely of Barbara S. Jones.



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May 16, 2008

Honorable Barbara S. Jones
United States District Court
Southern District of New York
500 Pearl Street, Room 620
New York, NY 10007-1312

RE: *Banker v. Ai, et al*
Case No. : 06 CV 4998
Our File No. : 06 566 92241

Dear Judge Jones:

We represent defendant Esther M. Zelmanovitz in the above-referenced action. This letter is submitted to request that the Court grant Ms. Zelmanovitz leave to deposit the sum of \$31,947.00 in Court in this action pursuant to FRCP Rule 67 and Local Rule 67.1

This action arises out of the transfer of title to a co-operative apartment located at 51 West 81st Street, New York, New York, Apartment 8G to defendant Lois Ebin on May 24, 2006. Ms. Zelmanovitz represented the sellers in the transaction.

Following the closing, Ms. Zelmanovitz became aware of the controversy between plaintiff and defendants. At that time, escrow funds in the amount of \$31,947.00 remained in Ms. Zelmanovitz's IOLA account. Due to the controversy between the parties, Ms. Zelmanovitz has not released the remaining escrow funds and the amount of \$31,947.00 is presently held in Ms. Zelmanovitz's non-interest bearing IOLA account at Chase Manhattan Bank. Ms. Zelmanovitz makes no claim to the funds. Therefore, the instant motion letter requests permission to deposit the escrow funds with the Clerk of the Court pursuant to FRCP 67 and local rule 67.1.

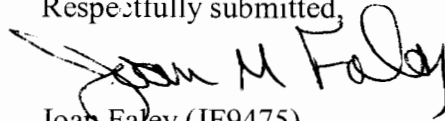
Ms. Zelmanovitz has funds in the amount of \$31,947.00 in her IOLA account. The money is the subject of the present litigation.

Accordingly, it is respectfully requested that the court issue an order permitting defendant Esther M. Zelmanovitz to deposit the sum of \$31,947.00 into the registry of the court to abide the determination of this action.

7 Regent Street, Suite 711, Livingston, NJ 07039
T. 973.422.0422 F. 973.422.0420

Thank you for your kind consideration of this matter.

Respectfully submitted,


Joan Ealey (JF9475)

JF:eb

cc:

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